

Serial No.: 10/822,004
Docket No.: 101-1028
Amendment dated August 16, 2005
Reply to the Office Action of June 28, 2005

REMARKS

Introduction

Claims 1, 5 and 15 have been amended. Claims 1-24 are pending and under consideration.

In accordance with the foregoing, claims 5, 15, 22 and 24 have been amended merely to improve grammar and to provide proper antecedent basis, and therefore it is respectfully submitted that this amendment is not subject to any further limitations under the meaning of Festo Corp. v. Shoketsu Kinzoku Kabushiki Co., Ltd. 535 U.S. 722, 122 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002).

Applicants note with appreciation the Examiner's indication that priority has been claimed under 35 U.S.C. § 119, and that all certified copies have been received. Further, Applicants note with appreciation the Examiner's indication that the Information Disclosure Statement filed on January 24, 2005 has been received and considered.

No new matter is being presented since all amendments are supported by the originally submitted specification, and approval and entry are respectfully requested.

Applicants are grateful for the Examiner's indication that claims 19-24 are allowed and claims 6-13 contain allowable subject matter. However, it is respectfully submitted that all of the pending claims in the instant application are allowable for at least the reasons stated below.

Rejection under 35 USC §102(e)

Claims 1-3 and 5

Claims 1-3 and 5 are rejected under 35 USC §102(e) as being anticipated by Sameshima et al., US Patent No.: 6,807,393. This rejection is traversed for at least the reasons stated below.

Regarding independent claim 1, at item 6 of the Office Action mailed on June 28, 2005,

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the Examiner alleges that FIGS. 1 and 8 of Sameshima et al teach "an electrophotographic printer comprising a main frame; a photosensitive drum unit vertically detachably installed on the main frame, and having a photosensitive drum on which an electrostatic latent image is formed; and an intermediate transfer unit vertically detachably installed on the main frame, and having a transfer belt to which a toner image is transferred from the photosensitive drum, wherein the intermediate transfer unit is installed above the photosensitive drum unit."

Claim 1 has been amended to recite an intermediate transfer unit detachably installed on the main frame independently from the photosensitive drum unit.

It is respectfully submitted that FIGS. 1 and 8 of Sameshima et al illustrate a photosensitive drum 1 disposed adjacent to an intermediate transfer belt 5. However, Sameshima et al does not disclose where "the intermediate transfer unit is installed above the photosensitive drum unit," as presently recited in claim 1 of Applicants' invention. It is respectfully submitted that FIGS. 1 and 8 of Sameshima et al illustrate the photosensitive drum 1 and the intermediate transfer belt 5a being integrally included in an image forming unit 5, which is detachably mounted on an image forming apparatus A. Accordingly, the intermediate transfer belt 5a and the photosensitive drum 1 are not detachably mounted independently from each other. Therefore, Sameshima et al fails to disclose, among other things, "an intermediate transfer unit vertically detachably installed on the main frame independently from the photosensitive drum unit," as presently recited in claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Accordingly, since Sameshima et al does not teach every element as recited in independent claim 1, Sameshima et al can not be properly used to reject claim 1. Therefore, it is respectfully submitted that independent claim 1 is allowable over Sameshima et al, and withdrawal of this rejection and allowance of this claim are earnestly solicited. Further, for at least the reasons that claims 2-3 and 5 depend from

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allowable claim 1, claims 2-3 and 5 are also allowable, and withdrawal of the rejection of these claims is earnestly solicited.

Rejection under 35 USC §103(a)

Claims 14-18

Claims 14-18 are rejected under 35 USC §103(a) as being unpatentable over Sameshima et al., US Patent No.: 6,807,393, in view of Hamano et al., US Pub. No.: 2004/170450 A1. This rejection is respectfully traversed for at least the reasons stated below.

It is respectfully submitted above, that independent claim 1 is allowable over Sameshima et al. For at least the reasons that claims 14-18 depend from allowable claim 1, claims 14-18 are also allowable, and withdrawal of the rejection of these claims is earnestly solicited.

Claim 4

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Sameshima et al., US Patent No.: 6,807,393, in view of Nonami, US Patent No.: 4,837,598. This rejection is respectfully traversed for at least the reasons stated below.

It is respectfully submitted above, that independent claim 1 is allowable over Sameshima et al. For at least the reasons that claim 4 depends from allowable claim 1, claim 4 is also allowable, and withdrawal of the rejection of this claim is earnestly solicited.

Conclusion

There being no other objections or rejections, it is submitted that the application is in a condition of allowance, and an early action to this effect is courteously solicited.

No Fee has been incurred by this Amendment. However, if any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 502827.


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Should any questions remain unresolved, the Examiner is respectfully requested to telephone Applicants' attorney.

Respectfully submitted,

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